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Attorneys for Defendants, Counter-Claimants, and Third
 Party Claimants, DICK/MORGANTI; DICK
 CORPORATION; THE MORGANTI GROUP, INC.;
 AMERICAN CASUALTY COMPANY OF READING,
 PA; and NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use
 and Benefit of WEBCOR CONSTRUCTION,
 INC. dba WEBCOR BUILDERS, and
 WEBCOR CONSTRUCTION, INC. dba
 WEBCOR BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK
 CORPORATION; THE MORGANTI GROUP;
 AMERICAN CASUALTY COMPANY OF
 READING, PA; NATIONAL UNION FIRE
 INSURANCE COMPANY OF PITTSBURGH,
 PA, and DOES 1 through 10, inclusive,

Defendants.

AND ALL RELATED COUNTER-CLAIMS
 AND THIRD PARTY CLAIMS.

Case No. 3:07-CV-02564-CRB

JOINT STIPULATION FOR CONTINUANCE
 OF HEARING ON MOTION TO DISMISS
 FOR FAILURE TO STATE A CLAIM AND
 MOTION FOR A MORE DEFINITE
 STATEMENT

Judge: Hon. Charles R. Breyer

Case No. 3:07-CV-02564-CRB

JOINT STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO
 DISMISS FOR FAILURE TO STATE A CLAIM AND MOTION FOR A MORE
 DEFINITE STATEMENT

1 IS HEREBY STIPULATED jointly by the parties hereto through their respective counsel
2 as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;
5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;
6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,
7 (“Defendants”) filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and
8 Motion for a More Definite Statement (“Motions”) in response to the Complaint filed by Plaintiff
9 United States of America for the use and benefit of Webcor Construction Inc. (“Plaintiff”); and

10 2. The hearing for the Motions was originally scheduled for February 22, 2008 and
11 was, per the parties’ prior stipulations and the Court’s Orders, continued to June 27, 2008 at 10:00
12 a.m.; and

13 3. Defendants and Plaintiff are currently finalizing an agreement which would make
14 the Motions unnecessary and moot; and

15 4. Plaintiff’s current deadline to file an opposition to the Defendants’ Motions is June
16 6, 2008; and

17 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions
18 unnecessary and moot, and inform the Court of their final agreement on or before July 18, 2008.

19 **NOW THEREFORE:**

20 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and
21 the corresponding opposition and reply dates so that they may finalize their agreement regarding
22 the Motions; and

23 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed
24 herewith which continues the hearing for the Motions from June 27, 2008 at 10:00 a.m. to **July 25,**
25 **2008 at 10:00 a.m.**

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1 IT IS SO STIPULATED.

2 AGREED TO BY:

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4 Dated: June 5, 2008
5 *RS*

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11 By: *Richard W. Grady*
12 PECKER & ABRAMSON, P.C.
13 Rick W. Grady (SBN 235976)
14 Attorneys for Defendants, Counter-
15 Claimants, and Third Party Claimants,
16 DICK/MORGANTI; DICK
17 CORPORATION; THE MORGANTI
18 GROUP, INC.; AMERICAN CASUALTY
19 COMPANY OF READING, PA; and
20 NATIONAL UNION FIRE INSURANCE
21 COMPANY OF PITTSBURGH, PA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA for the Use
and Benefit of WEBCOR CONSTRUCTION,
INC. dba WEBCOR BUILDERS, and
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK
CORPORATION; THE MORGANTI GROUP;
AMERICAN CASUALTY COMPANY OF
READING, PA; NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH,
PA, and DOES 1 through 10, inclusive,

Defendants.

AND ALL RELATED COUNTER-CLAIMS
AND THIRD PARTY CLAIMS.

Case No. 3:07-CV-02564-CRB

[PROPOSED] ORDER CONTINUING
HEARING ON MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM AND
MOTION FOR A MORE DEFINITE
STATEMENT

Judge: Hon. Charles R. Breyer

Case No. 3:07-CV-02564-CRB

[PROPOSED] ORDER CONTINUING HEARING ON MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM AND MOTION FOR A MORE DEFINITE
STATEMENT

1 IT IS HEREBY ORDERED that the Hearing on Defendants' DICK/MORGANTI; DICK
2 CORPORATION; THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF
3 READING, PA; and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,
4 PA Motion to Dismiss for Failure to State a Claim and Motion for a More Definite Statement
5 ("Motions") is continued from June 27, 2008 at 10:00 a.m. to **July 25, 2008 at 10:00 a.m.**, with
6 all dates for opposition and reply papers calendared from the latter date per local rules.

7 **IT IS SO ORDERED.**

8
9 Dated: _____, 2008

Honorable Charles R. Breyer